

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 600, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about June 10, 1910, A. Ricchezza, Philadelphia, Pa., shipped from the State of Pennsylvania to the District of Columbia 15 boxes of macaroni, which were each labeled "Molino e pastificio a vapore Napoletano San Giovanni a Teduccio." Examination of the samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of the District of Columbia against the said 15 boxes of macaroni, charging the above shipment and alleging the product to be misbranded, in that each of said boxes was labeled as above set forth, and in addition to said words each of the labels above referred to bore a picture or design depicting a body of water with a smoking volcano in the distance, a Maltese cross, a lion, the monogram "A. R.", and a number of medals, one of which said medals was inscribed "Victor Emanuel, Italia," the effect of said words and label being to deceive and mislead the purchaser, for the reason that said words, picture, and design purport that the product in question is a foreign product when not so, signifying and importing that the said product had been manufactured in the vicinity of the city of Naples, Italy, and that after being so manufactured had been imported into the United States of America from the said country of Italy, when in truth and in fact the said macaroni and each box thereof had not been manufactured in the said country of Italy nor imported therefrom into the United States, but had been manufactured within the said United States, at or near the city of Philadelphia, in the State of Pennsylvania.

On July 12, 1910, the case came on for hearing, and there having been no appearance entered by any claimant to the said 15 boxes of macaroni, the court being fully informed in the premises, entered its decree sustaining the allegations of the libel above set forth, and condemning and forfeiting the said macaroni to the use of the United States, and ordering the marshal of said district to sell same under such terms and conditions as would not violate the provisions of the Food and Drugs Act of June 30, 1906. In due course said marshal sold the above mentioned macaroni in accordance with the terms of said decree, realizing therefrom the sum of \$12, which was applied upon the costs of the above proceedings.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 9, 1910.*